ORIGINAL

IN THE SUPREME COURT OF OHIO

CHONG HAO SU : Ohio first district appellate court

Appellant : Case No: C100609

VS : pro bono publico

11-0108

Ohio Cincinnati city :

Appellees

MEMORANDUM IN SUPPORT OF JURISDICTION OF APPELLANT CHONG HAO SU

Pro Se

Chong Hao Su APPELLANT

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Australia

FILED

JAN 19 2011

CLERK OF COURT
SUPREME COURT OF OHIO

Cincinnati city APPELLEE

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Appellant stands the six times convicted of the four charges arose from the breaking search and seizure for the building inspections under neither the probable cause nor the public exigency. The first appeal court affirms the double convictions for the same minor misdemeanor charge without the due process procedure.

STATEMENT OF THE CASE AND FACT

The issues are:1) whether Cincinnati city Gov. can break into for the building inspection and seizure three times under neither the probable cause nor the public exigency condition; 2)whether such acquisition evidence is admissible in a criminal trial for Management privilege.

In 2007, Applicant purchased the continuing occupied 1818-1824 Race building with the city building occupied permit. The majority of the buildings were vacant. On4/25/07, the city building inspector Jim demanded inspection. Applicant asked the Gov. employee ID and law-enforcement identity certification. Inspector Jim refused and broke into seized Chong Su during an unlawful search of his home and tenants homes and vacant buildings. On4/26/07, the city charged the applicant with obstruction of the business performance in Cincinnati curt of Hamilton county and arrested Su again in hospital. Cincinnati court No:07/CRB/14561. The city could not discover a warrant and the public exigency evidence and the detail for the charge in the pretrial hearing . According to Amendment 4, the applicant asked to dismiss the charge. But the judge prohibited to finish the defense. The judges, by implementing the below CBC, invited the city to break into for the inspection. The CBC commands an inspector to neglect the laws and judgments prohibition for the CBC exercise and guarantees the immunity for the rebellion hereunder. The inspector issued the order for the Cincinnati Building Code (CBC) violation correction. Of course I hired the architectural companies to correct the alleged violation for the sale of the home. The orders violated the inspector professional rule without the six "W": What exact address has what size and what kind of violation and what damage degree and what the CBC to apply it and when the inspection is. The abstract uncertain orders did not provide an impersonal necessary architect criterion and can't give the effective meaningful guidance to its application. No repair company could calculate the correction cost. A company asked the repair permit. Without the permit, the repair is violation. The order

conflicted with the historic existing building code. Thus the owner visited the inspection office for the administrative interpretation to the vague orders. The history existing building inspector said: the history existing buildings need to meet the minimum level of safety and do not need to meet the new building standards. The obligee submitted the conflicts between the CBC and the historic existing codes. *The architecture has the definitude certain standards for a hazard building with architectural technical terms.* The CBC failed to enact the hazard building standard and minimum safe building standard for a historic existing building with the architectural terms. "The minimum level of safety" and "in good repair" are the uncertain and vague. They are contradiction in terms without the architectonic criteria. The conflicts provoked inspector Jim to anger. He could not explain. Obligee paid the fee for the administrative appeal application and Race home repair permit application. The appeal application submitted the much law and the legislative conflict and asked to confirm the title against the invasion of the liberty and property rights. The below CBC appeal section prohibited the different voice. The city never arranged the appeal meeting and refused to grant the repair permit without the two applications fee refundment and the explanation. The applicants could not sale the building. He filed the complaint with the law and the evidences. No one replied him. Because the CBC already strikes down the law protection, so that inspector Jim repeated to break into for his inspection on 9/25/07. Under the police report, the warrantless arrest is the preventive arrest for the inspection without the body contact and conversation when Chong Su was far away from Race building. Next day the city filed the M2 charge for obstruction of the business performance again. Cincinnati court case No: 07/CRB/37093. On 10/1/07, the applicant and his wife Martha W. Lee were accused of not complying with the inspector orders (Case No. 37452 and 37453). On 10/5/07, police men Elsaesser Donald and Hill Derrick, supported the trespasser to break into and occupy Race building at the back of the city. The purpose was the acquisition of the evidences for the convictions. Since inspector Jim evicted the tenants and closed the building without warrant. The tenants refused his entrance. The vacant apartments were locked. Thus the city needed the evidences for the convictions. Cincinnati court refused to accept the litigation for the eviction of the trespasser.

The applicants had to move in Kemple house. Cincinnati city repair permit granted a year for safe Kemple house repair from 6/25/07-7/25/08. The city "Case History and Report" proved to finish the some repair works. On 12/17/07 before the permit deadline (7/25/08), the city filed the criminal charge for not complying with the orders. The city broke into again to arrest the applicants for the minor misdemeanor charge notice. The evidences are the bail payment

record.(Cincinnati court Case No.: 07/CRB/47126 and 47127). After Race home is vacant and foreclouse, the city still enforced to perfect Race home and convicted us. The city action embodied the mutinous CBC exercise. If judges did not rescind the constitutional process and rights, the CBC would not exist. For the redress of a grievance, the applicant filed the many motions and the interlocutory appeal application and posted the complaints to the supervision organs with the law and evidences. But the judges still prohibit to say the defense and refused the motions for the trial by jury against the three constitutional challenge motions. The more condition is in the document" S.Ct. Prac. R. 4.1. Court of Appeals Order Certifying a Conflict".

I OVERVIEW OF THE CBC.

The legal issue is: 1) whether the judges can support the city to strike down the law and the private ownership system to create the novel criminal law and property law.

There are the two kinds of the CBC. No. 1 CBC is for the public exigency condition elimination in the CBC section 1101-57. and 1101-63.3 and 1101-63.4 and 101-57.6"etc. Under such good CBC, the city has to eliminate the public exigency straight away and put the elimination in the public record system. The owner pays the cost.

Of course the other CBC is not for the public exigency on the face of its words. We call the No.2 CBC, as follows: the CBC Sec. 1117-13. until 1117- 61.2. (No.2 CBC) command to decorate and perfect Every portion of the vacant Lots and a safe vacant building and residence. The CBC "Sec. 1117-07.1 General and 1119.01.4 Scope" and "1119-01.5" stipulate the above portions shall be maintained in good repair. Such as: the indoor painting color, visibility of the home inside, interior walls peeling, unclean flaky, all accessory and appurtenant and trash, etc. The CBC enacted a sweeping set of the vague mandates for the comprehensive mandatory sanction. The city orders and indictments and "Case History and Report" and the inspector speaking **did not cite No. 1 CBC** and did quote the No.2 CBC . They never mentioned the public exigency elimination condition and embodied the six months waiting. No architectural company could offer a letter for the vague orders. Any alleged evidences had not an acquisitive date without the concrete violation address and the location of the violation and the violation degree. The judges stubbornly prohibited the cross examination to the vague evidences. The arbitrary and uncertain orders and indictments bear no relation to the evidences and the public use or public exigency or nuisance or tort. The CBC and the orders and the repair permit and the police

report and public record system were altogether irrelevant to the public exigency and the public use and a warrant, moreover were not for the habitability restrictions in the literal construction. The city evidences are the typical irrelevant and incompetent and immaterial.

The following analysis proves the oral public exigency is the sophism. The maximum deal of the blurred orders and the CBC target entirely was the doubtful vague condition of a building inside or the superficial interior material. My wife' buildings and many owners buildings have the big front yard and back yard and are vacant and are locked. Their buildings distinctly far separate from the other buildings. According to the city orders, the alleged CBC violation can't possibly cause the public exigency in such buildings. The many bridges are old than our buildings. They never collapse. They and our building are the same material. A building collapse can't so quick than the traffic incident and the bomb incident and certainly shows the big break and the other obvious apparent warning signs. Anyone can see the warning sign and scare such building. The per centum of the building collapse probability is less than the traffic incident probability and the crime probability. "Mapp V. Ohio" judicial precedent prohibited the alleged bombing pretext. Our buildings passed the Section 8 office inspection and the previous inspector inspection every year and obtained the occupied certificates. If the public exigency prevention was not the sophism, the judges would not funk jury trial and scare to say the defense and cross examination and "Brandeis Brief" fact. Of course the public exigency prevention is the beautiful lie.

Thus the CBC stipulates a violation is seemed to be serious hazard, then the building becomes hazard. So the different painting color can cause the serious hazard. The Sec. "1101-51. Penalties" authorizes legislative power and jurisdiction power to an inspector. It is impossible to fulfill the sweeping vague orders mandates within half year. The city refused the alternative option and the negotiation and overrules the Due Process procedure in the CBC legislation and the daily practice hereunder. Many excellent attorneys can't avoid the conviction to the owners. Hereby the middle class summarized and exchanged the experience. My defense was from them. They always locked the doors and window and posted the sign:"No trespass" and used the below law and way to prohibit breaking into or trespass for a building inspection. So an inspector can't know the inside condition and can't possibly obtain an administrative search warrant. The city was at their wits' end for my defense way and law. Thus the city advisedly actively got rid of the law and social system prohibitions for remove of the barriers. Judges deem all evidence obtained by searches and seizures in violation of the Const. is admissible for the building management. Otherwise the city can't fulfill the CBC. The judges actions manifest the constitutional process and jury trial obstruct the building management. Thus Judges' potency screens the removal. Hereof the CBC "Sec. 1109-19. Severability." incurably ordains to

annul all of the laws and the judgments for the CBC execution. Cincinnati city legislature enacted a set of the CBC to annul the prohibitions of the Property Right Law and criminal law. The all CBC is derived from the abolition. There are the several key difference between the CBC and the property right law and the criminal law. The mandatory nature of "Severability" section, in tandem with the other CBC, direct an inspector to create a series of the comprehensive discriminative criminal law, novel property law and sanctions relating to the warrantless search and seizure and the double penalties by an inspector unrestricted arbitrary discretion hereunder. In the effect and fact, the ultimate authority rests with the CBC and the inspector. "Sec.1101-47. Personal Liability and Indemnity" reinforces the discharge of the rebellion of such CBC without the personal liability. The willful annulment of the public power operation institutionalization left open to the city tends to destroy the entire system of the constitutional restraints on which the properties of the people rest. The stupefying impact promotes to abuse the violence for the shortcut style management. The influence of the violence creates the fear, so that the shortcut effectively deters the rejection to a building inspection. Thus without the repeal of the jury trial and defense right and the appeal right, the CBC and the victimized middle class convictions could not possibly exist. Of course the inspector could enjoy to break into or trespass for inspection; moreover can push an owner toward incarceration, and impose the double criminal punishment based on no nexus to the criminal law and property law. Such CBC exercise unlawfully banished people out of the city. Rule by law is annulled.

II JUDGES ANNUL PEOPLE PROPERTY RIGHT FOR THE NOVEL PROPERTY LAW EXECUTION.

The judge was incurable massive resistance against the prohibitions of the below law and social system on the eminent domain. The issue is whether the CBC is like the slaveholder lynch to invalidate the private ownership system and the Const. guarantee property and liberty rights.

There can't be the slightest doubt that shelter, along with food, is the most basic human needs and is the maximum valuable asset. Numerous of people can't find job over one year and can't get the money remedy. They are longing for a shelter and have not an ambition of the bill of right. Thus "Southern Burlington County N.A.A.C.P. v. Township" held:[1] **"The question of whether a citizenry has adequate and sufficient housing is certainly one of the prime considerations in assessing the general health and welfare of that body."** The Nation needs the property tax payment to reduce the too much national debts. Aesthetics concept for the interior of a home is subjective spirit quality and exists the multiformity. Different people have the different eyes and the varied requirement for the different homes. E.G. "abstract art" or "non-figurative art" or "expensive break clothes" or "nonobjectivism painting". A home always involves the darlings and the complex emotional honey feeling memory from the birth just like the mother food that is the great favor. When people work hard, they need the individual adorable home for enjoyment. In a sense, the home embodies the mortal right to personal existence and freedom and the personal enjoyment habit and the culture religion(faith) and a different civilization art and is like the body part rather than money. Thus "Silverman V. United

[1] 67 N.J. 151; 336 A.2d 713; 1975 N.J. LEXIS 181

States"[2] extended the protection of 4 Amendment from the property to the reasonable expectation of privacy. The continental law holds: rain and wind can go into the broken shelter except king. The State implements the private ownership system against the socialist nationalization. Thus the property and liberty rights of an obligee are protected by laws and is not infringed by a Gov. or a man. Amendment 14and 4 apply to a state the legitimate law invasions to a home, regardless of the building management moniker. Thus the homes protection embodies the universal human nature. The exclusive ownership of the personal property by the citizen is an estate held in indivision. The exclusive is the property right character. Otherwise the private ownership system and the constitutional guarantee property right are of no value. Of course an obligee enjoys his property management and disposition and utilization rights etc. Such rights belong to the property right. *The property right instauration and its safeguard are the foundation of the market economy and are market basic regulation.* The property right and credit right are the pillars of the civil law. Without the property right, the market can't possibility operate. The other civil rights are subjective spirit activities and quality. The subjective mental actives have to depend on the objective basic. The property right is the indispensable substantial bedrock of the all civil rights. Thus the property right is liberty guarantee. So the rights of the inviolable property and liberty are essential ingredients of the 4th and 14th Amendment and Ohio Const. §19. *Property Right Law is the* longstanding existing the judicial precedents to construe the constitutional essential ingredients. *Property Right Law embodies the private ownership system and* capitalist economy regime character and *is the private law for* the public use. However the housing issues related to the absolutely vital interests of the public and the social long-term stability and development. The property right law encourages to buy the buildings for the property tax payment increase. The litigation disputes arise in respect of the ownership and the content of the applicants property rights. Essentially the CBC exercise is desuetude of the property ownership and extinction of exclusive property utilization and disposition rights and management rights against the title deed and the building occupied certification. It is the similar possessory action. (possessorium). The conditions of the homes are the privacy within the locked closed area without the public use and public exigency and the tort, supra. Ohio Const. § 19 holds: "Private property shall ever be held inviolate,". B1anchard V . Department of Transp held:"It is the responsibility of the courts to assure that government does not abuse its extraordinary power to take the private property of its Citizens against their wishes." "It is well established that without the consent of the property owner, the government may only exercise its power of eminent domain when the property is to be put to a public use and when a public exigency requires it. ME CONST . art. I , §21;..."[3] "Wilson V. city of Cincinnati"[4] repealed the CBC and prohibited to criminalize an owner. Amendment 5th prohibits the twice penalties for the same offense. The double penalties encourage disobedience to the prohibitions and are the aggravation circumstances. The forcible trespass for the inspection or the forcible annexation to the property constitute the essence of the offence. It is the invasion of the obligees indefeasible right of personal security, personal liberty and property. If the forcible and compulsory extortion of the property right was for the city volition to fulfill the CBC demand, the protection of the law declaring the property and liberty to be secure becomes the empty promise. The double convictions coercion for the CBC demands is within the condemnation of the above law. E.G. the city convicted people for their rejection to buy the up to date garments(to perfect home). The equivalent of the orders fairly is that the city compels to make the involuntary payment and involuntary servitude for the city demand

[2] 365 U.S. 505 (1961)
[3] 798A.2d 1119 Me., 2002
[4] (Ohio 1976) 46 Ohio St.2d 138

without a little reduce. So Ohio Const. §6 prohibits such condition: "...nor involuntary servitude, unless for the punishment of crime." Visibly the CBC is like the slaveholder lynch law before the Civil War.

The CBC legislation and its orders violated of the commerce clause and committed the common law cheat and are therefore invalid. Const. Section 10 prohibited any state to "impairing the obligation of contracts,..."; as well as the impairing to the common assurance. Const. is the social contract. The concerned buildings had been the occupied and continuance in enforce with the occupied certificates which was granted by the former inspector directors. The public record system proves every year the buildings had passed the inspection. The applicant building passed the Section 8 office inspection every year. Pursuant to the CBC Sec. 1101-15.6, the building inspector does not have the historical conservation code authorization or have the qualification to issue the order to force an owner to change the structure of a historical existence building for the new building standards. Thus the concerned certifications and the public record prove the victimized middle class buildings have the full qualification to get the law and private ownership system protections. The city received the money for the administrative appeal application and the Race home repair permit application and the building occupied certificates and the Kemple house issued repair permit and the building title and did confer the certifications and the exclusive rights to the applicant. Thus the both parties have entered the commercial contract and have had the longstanding business relationship and the mutual right and duty. The city ought not to refuse the appeal application and the Race home repair permit application without the refundment or explication. When the building occupied certification and the repair permit and the title effectiveness continue, the both parties' duty and rights still continue to have the unvaried contract validity and the validity of the law. So the city has the moral duty and legal obligation to protect the applicant-obligee. Hereof the city can't convict the obligees(owners) except the cancellation of the certifications and the contracts. The CBC legislation and the CBC enforcement never have any procedure to annul any approbatory certifications before and after the convictions. The city and judge scared to hear the applicant defense to prove the city breach of the contracts, so that they deprived the applicant of the defense rights. Wherefore the convictions violated the above law and the city approbatory certifications and all of the contracts. The city supported trespasser to smash the door and occupy our Race home. We can't sell building. Thus the city rescinds the rule by law. The city has to compensate for its cheat and the breach of the contracts pursuant to the "stream of commerce theory"5.

The CBC order imposed the impermissible heavy financial burden and numerous psychological burdens to the middle class against their volition. The CBC has the multitudinous mandamus that "every part of a building and a lot shall be maintained in good repair." The corrections for the alleged the CBC violations need the plenty of money. Numerous of money and time as well as are indispensable to maintenance in good repair. The total money is much over the limited rent income and the down payment and beyond the victimized middle class

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5 *Asahi Metal Indus. Co., Ltd. v. Superior Court of Cal.* , 480 US 102, 107 S.Ct. 1026 (1987).

financial ability and plan. The CBC annuls the judicial review and the administrative appeal substance without the orders postponement clause and the negotiation possibility hereunder.

Within the half year, it is impossibility to meet the CBC multitudinous mandamus. The comprehensive impracticable mandatory urgent orders disrupted the middle class priority and resources to focus time and energy on the job for survival. To maintain a job and building existence confronts the increasingly fierce social competition. Many companies do not allow the criminal charge procedure or record. The owners limited time and money were depleted through the criminal litigation produce. The criminal procedure is punishment. The endless seizures and the double penalties procedures generated the irreparable great injury to the owners. The owner lost the job without the acquisition a normal job possibility. The owners lost the all of the buildings and all investment. The endless mental stimulation and the much seizures resulted in the ischaemic heart disease to the applicant. His wife, the other owner got the mental disorder illness. In practice, the building management codes destroyed the legitimate legislative purpose and the management targets. The owners loss is much beyond the orders benefit. If the building overbroad management demands deny the economically viable use of an owner building, the building management becomes actual expropriation and violation of the Fifth Amendment according to the principle of "Hotel & Motel Ass'n of "Hotel and Motel Ass'n of Oakland V. City Oakland"[6] Thus the city deprived the middle class of the buildings economically viability and property interests and generated the unconstitutionally taking of the properties and economic viability under violation of the above law. I had no money for my medical treatment, so that someone handed me to my relative homes in oversea for the survival. Actually the city almost took my life when the city did take the means whereby we live. The city stubbornly threw good money after bad money to kill cow without milk (property tax). The CBC exercise can't possibility substantially advance legitimate Gov. interests without a beneficiary. Hereof the city can't possibly show a compelling substantial city interests and the alternative options and a legitimate concrete legislative fact for the CBC constraint. Thus the city sets store exanimate building small repair, absolutely regardless of people survival, **value, and dignity**. Essentially the CBC prohibits the inexpensive house subsistence. The inspector evicted our tenants without a warrant in winter. The some tenants become the homeless. The city' conducts and desire and intent excluded the owners and their tenants from living in the city. But they aren't the only category of persons barred from many municipalities by reason of restrictive similar regulations. We have reference to the poverty class in the other areas. "Census data: US poverty rate hits 14 percent in 2009." In the connection, the court should, therefore, consider the case from the wider viewpoint that the CBC execution has been to prevent various categories of persons from living in the city because of the limited extent of their income and resources or believed social incompatibility. By simply giving the management moniker, the city annuls the property right law. People altogether have not the property right. The applicant represents the people seeking their equal survival right. Thus the unconstitutional vague CBC is the incompetent and the immaterial and the irrelevant to the legitimate legislative purpose according to the law.

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[6] 344F . 3d 959 C . A . 9(Cal .)

III JUDGES EXECUTE THE CBC TO DEPRIVE THE MIDDLE CLASS OF DUE PROCESS RIGHT.

In reviewing the executive branch' decision, the dispute at law are: 1)whether the CBC and its orders are subject to the constitutional process.2) whether an owner can ask an administrative appeal and justice review and an architect identification for the orders revalidation.3) whether an owner have the lowest level of Due Process and jury trial opportunity and an open fair trial.

1 The CBC legislation violated the specific law legislative procedure without the constitutional notice to the aggrieved middle class at the back of judges. The CBC conflicts with and otherwise stands as an obstacle to the full purpose and objectives of Ohio Congress in creating the uniform criminal law and property law. According to Ohio Const. "Article II: Legislative", the any conflicting proposed amendments to the constitution shall be approved at the same election by referendum vote of the electors and the notice before and after the enactment. The City had to publish the announcement and the time limit for a historic existed building renovation in the building record and public record system and in a newspaper. The city has to cancel the building resident permit and the historic existing building codes firstly, then can do the next step. But the city failed to do so without enacting clause and the notice before and after the enactment. The orders had not the correction deadline without the charge warning in advance. Thus the city had not the constitutional notice beforehand, then deprived the applicant and the others of the property right.

2 The CBC and the orders violated the overbreadth doctrine. The former defense analyzed and proved that the CBC and its orders are the unconstitutional vague norms without the accurate concrete architectural norm for the correction. The point is that the CBC and the orders contradict the existing historical building codes and the previous inspection records and the residential building permit. No architectural company could offer letter for the orders. The orders and indictments haven't an ascertainable adjudicative material fact for guilty. The CBC can't give effective meaningful guidance to its application for the avoidance of the arbitrary orders. Thus the CBC and the orders violated the first essential of Due Process law. Actually the vagueness CBC and the uncertain orders authorized Cincinnati city unrestricted discretion and the discretionary enforcement of law in an arbitrary and different manner. Essentially the city created the novel criminal law for the CBC enforcement. "Anderson v. City of Issaquah." 7 strikes down the vague CBC.

3 The orders execution was typical administrative Gov. actions to which the administrative appeal and Due Process and a jury process and an architect identification procedure apply.

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7 : 70 Wash. App. 64. 851 P. 2d 744 (1993)

"It is elementary theory that all police power enactments, no matter at what level of government, must conform to the basic state constitutional requirements of substantive due process and equal protection of the laws."8

4 The Sec."1101-51. Penalties" ordains that an inspector orders are law norm for twice convictions prior to the administrative appeal and judicial review. The CBC annuls the jurisprudence and the courts role. The judges prohibited to discuss the novel criminal law legitimacy. Thus the executive branch usurps the two branches' powers. In fact and effect, the orders become the novel criminal law. Inspector Jim Curee has not the qualification and the competence of madate for the legislator and umpire. By simply giving a legislative moniker, his shoddy actions become legislative acts prior to applying the adjudicatory hearing and Judicial Review. His unconstitutional vague orders sidestepped the due process dictates to become the Double sentences law. The crux of the issue lies in giving nonlegislative person the power to create and define the double convictions norms without the check and balance. Additionally the double penalties affirmed that the CBC countermands the law and court role. A tail wags the dog with manipulanda. Thus the city sidestepped the due process dictates to abrogate the property right by simply giving their actions a legislative moniker. The CBC "Appeal Sec 1121-17.2 and 1101-81" invalidate the administrative appeal essence and purpose to strength the novel law enforcement. The appeal commission members should be jury composition principle.

The appeal sections ordains that an inspector director decides an appeal decision and the prerequisite to the appeal can't abolish the CBC and orders; additionally stipulates the city to designate the appeal commission composition(members). There is no appeal guarantee system. So the city can usually revoke an adjudicatory hearing.

Based on the foregoing the city deprived people of the property and liberty rights without Due Process Procedure. The city is rule by ignorance and prejudice and is not rule by law and (architectonic)science.

IV THE CITY TRANSGRESSED ITS LEGISLATIVE COMPETENCE TO PROMULGATE THE CBC.

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8 "Southern Burlington County N.A.A.C.P. v. Township" 67 N.J. 151; 336 A.2d 713; 1975 N.J. LEXIS 181

History proves the CBC is the constitutional prohibitive power. The city incurably overstepped its authorization to promulgate the CBC. In British Colonist Era, an administrative agent could search housing and impose a criminal penalty, then caused Independence War in Boston.[9] The black slave system caused Civil War. Thus Amendment 14 and the three branches check and balance together supervise and prevent the legitimate state power to deprive an individual of the property and liberty. Congress and Const. dictate that the legislative power is vested solely in the senate and assembly. They use the legislative branch and judicial branches to supervise and control the executive branch. The administrative appeal and jury trial embody the people supervision and control. The delegation doctrine allowed the legislature to focus on the "fundamentals" of a law and left to the city task of "filling in the gaps" by promulgating rule to administer the law. ... but reserved the legislative right to repeal or alter the delegation. The city Gov. is trusted and has the liberal rule-making discretion. Since the demands that modern economic and governmental conditions place on the city. Notwithstanding the city may exercise their police power in building management that is for the public use and public exigency, but it does not mean that the city can create the novel Criminal law and Property Law and the discrimination law to rescind the law role and the private ownership regime. Ohio Const. §10 formulates Criminal law. Property right Law and Criminal law inhere in the essential ingredients of the 2 Const. by nature. In our constitutional system, they, as Federal law, have preeminent authority over the CBC . The existing Property Law and Criminal law are the higher Jurisdiction law and the federal law. The CBC is the lower jurisdiction law. The higher jurisdiction federal law overrides the lower jurisdiction law. The CBC can't conflict them. They are hardpan of the local ordinance. This authority derives from the numerous acts of the 2 Congresses. US Const. Sec. 10 prohibits a state "pass any Bill of Attainder, ex post facto Law, or Law Impairing the obligation of contracts, etc." Supreme Clause and Ohio Const. §26 prohibit any incompatible provision. Enabling Act and delegation doctrine (legislative veto) terminate power delegated to the chief executive or disapprove particular exercises of the power by him or his agent since 1930. Delegation doctrine and legislative veto reflect an affirmative decision by the Congresses to prohibit the city to develop the patchwork. Wherefore the city, as a executive agent, should act within its mandate and competence and legitimate legislative purpose, the local ordinance should pass constitutional muster under the delegation doctrine. Under Ohio Const. Article II, the place and benefit of the minor surrogates ought not to be higher than the place and benefit of their representative main body. The delegates(servitors) have not privilege to stealthily encroach their constitutional master property and liberty rights by moniker of the management. The borough can't strike down the federalism. Thus a borough has no the administration privilege over law. Otherwise where is the power of the **Const.**

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[9] The tea party matter.

restriction and prohibition? Otherwise the Amendment 4 and 14 guarantee property and liberty rights are of no value.

Conversely, the city obdurately enacted a sweeping set of the CBC to strike down the jurisprudence and jurisdiction role and stealthily undermined the constitutional master livelihood in despite preeminent authority of the Congresses and the delegation norm. The legislature never abdicates its responsibility by allowing the inferior law to rescind the parent act. Since the denial of the law and jurisdiction function denies the legislature. On account of the separation of the powers doctrine, no legislature granted the city' delegated authority to strike down the enabling act. Thus the city has no empowerment to promulgate the above CBC; additionally violated the legislative procedure to promulgate the CBC, supra. Thus the CBC is invalid.

V THE CITY' BAD FAITH AND DISCRIMINATION BOUND IN THE CBC AND DAILY ROUTINE.

The correction of the CBC violation isn't emergency and isn't contradictions between enemies and people. Our defense and other owners defense construed the above law and "Brandeis Brief" fact from the initial for ages. Of course an owner asked to postpone fulfilling orders and submitted the alternative option. The due process procedure and the administrative appeal are the pure procedure and can't possibly obstruct the management. Its maximum deal is to delay the discretion. The CBC strikes down the law and due process procedure. The abolition embodied in the original breaking into search and seizure and the consecutive due process dictate violations, supra. The owner had no chance to say and the compromise proposal and could not avoid the double convictions. After Race building was vacant and foreclosure, I asked the inspector not convicted my wife. Since my health condition becomes the worse. My family has the much debt and is not qualification for the welfare and depends on her to look for job for survival. The director insisted to command to perfect Race building. My couple convictions were after we filed the above law for a year. The conviction record destroys her acquisition job possibility. For the above, to say that men suspected of crime have rights to protection against the warrantless arrest and vague evidence and twice penalties, but that the applicant and tenants not suspected of crime, have no such protections, are a fantastic absurdity. It is a fantastic absurdity too that the first appeal court rule supports the city to annul the law and Congress target to maintain the uniform law: "Ohio Rules of Appellate Procedure Rule 2.ordains: 'Appeals on questions of law and fact are abolished.'" The rule suppresses my perfect constitutional challenge to affirms the city rebellion. More surprising is that the city deliberately ordained the CBC to deprive people of the property right and equal survival right without the due process procedure on purpose. Actually the city' systematic active whole rebellions, by the entire city Gov. system enforcing, actually become the underground resistances and the independent country treacherous acts. They incorrigibly

expressly invades the Congresses sovereignty and undermines the Congresses lead ability. Ohio Congress superiority regnant is much beyond any one. So people, like the black slave, can't possibly protect the law dignity against the invasion to their homes. Of course the city develops the inveterate habit to enjoy the shortcut for the building management without the fig leaf. The enjoyment embodies in the CBC and its orders enforcement, supra. Otherwise if the rule by law existed, the inspector would not to abuses the police power to break into seizing the applicant three times. The above abolition is the blatant bad faith on purpose. The willful bad faith and patent discrimination resulted in the irreparable serious undue injury to the applicant couple on purpose. Actually the city takes the bread out of my family' mouths, supra. My family needs the bread and butter and the medical fee. If the court allows the city to enforce the CBC in violation of Supremacy Clause, it invites more cities to become a law unto himself; it causes anarchy and the federalism fission. People will suffer from the infringement of the property right again. The public trust to court will fall down. The nations will make laugh to us. Due to the history prove that no way to prohibit the city outstanding incorrigible rebellion. The relief and the compensation and the monetary penalty can uphold rule by law; and let the city remember the lesson. The city certain dare not to annul law and the property right, just like jail punishes a trespasser. Since without the punishment, law can't possibly prohibit the robber to break into. A leopard can't change its spots. A stitch in time saves nine. An ounce of prevention is worth a pound of cure. The city blatant bad faith and their discriminative CBC and the irreparable harm to the applicant and the patent obdurate mutinous usage meet the requirement of the below law for the injunction and my family redress damage and the award: Younger v.Harris, 401 U.S. 37, 43-44 (1971). Monterey Mech. Co. v. Wilson, 125 F.3d 702, 715 (9th Cir. 1997) (quoting Assoc. Gen. Contractors of Cal., Inc. v. Coal. for. See Morales v. Trans World Airlines, Inc., 504 U.S. 374, 381 (1992)

PRAYER FOR RELIEF:

By reason of the aforesaid, I, patriot, in order to protect the unitive property right law and federalism, maintain the national basic economic system and the economic order of the market, clarify the ownership of property, give full effect to the meaning of property, insure the obligee's property ownership rights and liberty, encourage purchase of property for the increase of the property tax payment; promote Property Right Law economic role and the general welfare, enhance the public trust to court, do hereby respectfully request the following relief.

1 A declaratory judgment stating the above CBC are invalid(excepted No.1 CBC) null, and void.

2. A preliminary and a permanent injunction against Cincinnati city, and its officers, agents, and employees, prohibiting the enforcement of the CBC. The monetary penalty is for the city Gov.

3.The applicants apply to reverse the all CBC violation convictions to Chong Hao Su and to his wife Martha W. Lee. That this Court awards the other relief that this court deems just and proper under the circumstances.

4. That this Court awards the injunctive economic relief for the restitutionary remedy and the unconstitutional CBC' damage to us for the applicant family survival and medical fee. We lost the buildings and all investments and get the about the much doubt. The claim detail is omitted and will be submitted later. 5 That this Court awards the all costs in this action.

6 That this Court awards the applicants seek the other concerned relief that caused from the CBC. The applicants will submit the detail in the brief of the merit.

Respectfully submitted.

The petitioner Chong Hao Su Signature: 苏崇豪

Chong_su@hotmail.com sochong5@gmail.com

THE CERTIFICATE OF THE SERVICE

I, Chogn Hao Su serviced " Memorandum in support of Jurisdiction of Appellant Chong Hao Su" document to the prosecutor office in the Cincinnati city hall in 801 Plum street Cincinnati city Ohio 45202. on 1/8/2011

APPLICANT: Chong Hao Su

Applicants: Signature: 苏崇豪 Chong Su

THE CERTIFICATE OF THE SERVICE

THE CERTIFICATE OF THE SERVICE

I, Martha Lee serviced " Memorandum in support of Jurisdiction of Appellant Chong Hao Su" document to the prosecutor office in the Cincinnati city hall in 801 Plum street Cincinnati city Ohio 45202. On Dec. 21, 2010 and Jan 15,2011 by the general mail.

Martha Lee

Martha Lee

APPLICANT: Chong Hao Su Chong Su

Applicants: Signature: 苏崇豪

IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO

CITY OF CINCINNATI,
STATE OF OHIO,

Appellee,

vs.

CHONG HAO SU,

Appellant.

APPEAL NO. C-100609
TRIAL NO. 07CRB37452
07CRB37093
07CRB47126

ENTRY OVERRULING MOTION
FOR RECONSIDERATION

This cause came on to be considered upon the appellant's motion for reconsideration.

The Court finds that the motion is not well taken and is overruled.

To The Clerk:

Enter upon the Journal of the Court on DEC - 6 2010 **per order of the Court.**

By: _____ **(Copies sent to all counsel)**
Presiding Judge

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